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HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			LETT, THOMAS J	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/603,219

Applicant(s)

TANIMOTO, YOSHIFUMI

Examiner

Thomas J. Lett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the terms "quick dial" should be changed to read "quick-dial" (p16, line 7).

Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities: the terms "speed dial" should be changed to read "speed-dial" (p1, line 19).

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: the terms "one by one" should be changed to read "one-by-one" (p1, line 24).

Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: a period should follow the term "fails" (p2, line 4).

Appropriate correction is required.

### ***Claim Objections***

5. Claim 5 is objected to because of the following informalities: the terms "one touch" should be changed to read "one-touch" (p12, line 1). Appropriate correction is required.

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6. Claim 5 is objected to because of the following informalities: the terms "quick dial" should be changed to read "quick-dial" (p12, line 1). Appropriate correction is required.

7. Claim 6 is objected to because of the following informalities: the term "lest" should be changed to read "least" (p12, line 4). Appropriate correction is required.

8. Claim 6 is objected to because of the following informalities: the terms "quick dial" should be changed to read "quick-dial" (p12, line 4). Appropriate correction is required.

9. Claim 9 is objected to because of the following informalities: the terms "quick dial" should be changed to read "quick-dial" (p13, line 3). Appropriate correction is required.

10. Claim 13 is objected to because of the following informalities: the term "lease" should be changed to read "least" (p14, line 10). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 12, 16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagata et al (US Patent 5,787,288).

With respect to claim 1, Nagata et al disclose in Fig. 8, a diagram showing a communication system between a facsimile machine and a central station (col 4, lines 43-44), the facsimile machine 10 comprises a RAM circuit 4 including a static RAM (SRAM) and a dynamic RAM (DRAM) as shown in FIG. 1 for temporarily storing a downloaded apparatus control program (col 4, lines 52-62), which reads on a communication system including at least one communication device, each of which stores a first set of data, and a second device connected to each of the at least one communication device over a computer network;

the facsimile machine 10 comprises a network control unit (NCU) 2 for controlling connection to and disconnection from a public communications network, a ROM circuit 3 including a rewritable EEPROM in which a program for executing individual tasks of facsimile functions is written, a RAM circuit 4 including a static RAM (SRAM) and a dynamic RAM (DRAM) as shown in FIG. 1 for temporarily storing received image data or original image data to be transmitted (col 4, lines 52-61), which reads on a second device connected to each of the at least one communication device over a communication network;

the central station 9 has its own NCU 91 for executing facsimile functions and a control unit 92 in which information on various models of facsimile machines and apparatus control programs for individual models are stored and managed in connection with individual facsimile numbers (col 5, lines 45-50), which reads on wherein the second device includes a transmission unit that transmits replacement data to at least one of the at least one communication device via the communication network;

the apparatus control program or the program renew utility received from the central station 9 is first stored in the RAM circuit 4 before they are written into the EEPROM (col 9, lines 13-16), which reads on each of the at least one communication device includes a storage unit capable of storing the first set of data, a reception unit that receives said replacement data, and an overwriting unit that writes the replacement data over the first set of data.

Claim 12 is a data overwriting method claim, and is rejected for the same reason as that of claim 1.

With respect to claims 16, Nagata et al disclose the central station 9 has its own NCU 91 for executing facsimile functions and a control unit 92 in which information on various models of facsimile machines and apparatus control programs for individual models are stored and managed in connection with individual facsimile numbers (col 5, lines 45-50); the central station 9 calls individual user terminals and transmits the upgraded apparatus control program via a communications network (col 5, lines 58-61); which reads on the communication system wherein the replacement data includes at least one of one-touch and quick-dial telephone numbers and includes operating programs.

With respect to claim 20, Nagata et al disclose a diagram showing a communication system between a facsimile machine and a central station (col 4, lines 43-44), the facsimile machine 10 comprises a RAM circuit 4 including a static RAM (SRAM) and a dynamic RAM (DRAM) as shown in FIG. 1 for temporarily storing a downloaded apparatus control program (col 4, lines 52-62), and that the present

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invention relates to an apparatus, such as facsimile machine, having communication capability, and in particular to a method and device for renewing a program previously stored in an internal program memory of a communication apparatus by overwriting an old program with a new program downloaded from a central station via a communication line (col 1, lines 8-14), which reads on the data replacement method of wherein the communication device is a facsimile machine.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al (US Patent 5,787,288) in view of Fukunaga et al (US Patent 6,081,296).

Nagata et al discloses in Fig. 8, a diagram showing a communication system between a facsimile machine and a central station (col 4, lines 43-44), the facsimile machine 10 comprises a RAM circuit 4 including a static RAM (SRAM) and a dynamic RAM (DRAM) as shown in FIG. 1 for temporarily storing a downloaded apparatus control program (col 4, lines 52-62), which reads on a communication system including at least one

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communication device, each of which stores a first set of data, and a second device connected to each of the at least one communication device over a computer network;

the facsimile machine 10 comprises a network control unit (NCU) 2 for controlling connection to and disconnection from a public communications network, a ROM circuit 3 including a rewritable EEPROM in which a program for executing individual tasks of facsimile functions is written, a RAM circuit 4 including a static RAM (SRAM) and a dynamic RAM (DRAM) as shown in FIG. 1 for temporarily storing received image data or original image data to be transmitted (col 4, lines 52-61), which reads on a second device connected to each of the at least one communication device over a communication network;

the central station 9 has its own NCU 91 for executing facsimile functions and a control unit 92 in which information on various models of facsimile machines and apparatus control programs for individual models are stored and managed in connection with individual facsimile numbers (col 5, lines 45-50), which reads on wherein the second device includes a transmission unit that transmits replacement data to at least one of the at least one communication device via the communication network;

the apparatus control program or the program renew utility received from the central station 9 is first stored in the RAM circuit 4 before they are written into the EEPROM (col 9, lines 13-16), which reads on each of the at least one communication device includes a storage unit capable of storing the first set of data, a reception unit that receives said replacement data, and an overwriting unit that writes the replacement data over the first set of data. Nagata et al do not disclose expressly the at least one communication



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device includes a plurality of communications devices, and the replacement data is received from the second device simultaneously by at least two of the plurality of communications devices. Fukunaga et al discloses that invention can also be practiced in a multicasting system, in which one transmitting device transmits the same coded data simultaneously to a plurality of receiving devices. (col 12, lines 26-29). Nagata et al and Fukunaga et al are analogous art because they are from the similar problem solving area of data transmission. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Fukunaga et al to Nagata et al in order to obtain simultaneous transmission of data to a plurality of peripheral devices. The motivation for doing so would be to conserve bandwidth.

13. Claims 3, 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al (US Patent 5,787,288) in view of Suzuki (US Patent 6,493,743).

With respect to claims 3 and 14, Nagata et al do not disclose expressly the communication system wherein the second device includes a timer that detects time. Suzuki discloses that the data file or application program file preset to be started by the timer is automatically downloaded, and therefore the necessary data file and application program file are already downloaded at the time when the user actually starts the terminal device 200 (col 16, lines 22-26). Nagata et al and Suzuki are analogous art because they are from the similar problem solving area of data transmission of replacement data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Suzuki to Nagata et al in order to

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schedule the download of data of program(s) at a convenient time. The motivation for doing so would be to execute a task at some future time.

With respect to claim 7, Nagata et al do not disclose expressly that the replacement data includes operating programs. Suzuki discloses that the data file or application program file preset to be started by the timer is automatically downloaded (col16, lines 22-23). Nagata et al and Suzuki are analogous art because they are from the similar problem solving area of data transmission of replacement data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Suzuki to Nagata et al in have the option to download program(s). The motivation for doing so would be to update or load a program.

With respect to claim 18, Nagata et al disclose the central station 9 has its own NCU 91 for executing facsimile functions and a control unit 92 in which information on various models of facsimile machines and apparatus control programs for individual models are stored and managed in connection with individual facsimile numbers (col 5, lines 45-50); the central station 9 calls individual user terminals and transmits the upgraded apparatus control program via a communications network (col 5, lines 58-61); which reads on the communication system wherein the replacement data includes at least one of one-touch and quick-dial telephone numbers and includes operating programs.

Claims 4, , 6, 8,15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al (US Patent 5,787,288) in view of Fukunaga et al (US Patent 6,081,296) as applied to claim 2 above, and further in view of Suzuki (US Patent

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6,493,743). Nagata et al (US Patent 5,787,288) in view of Fukunaga et al (US Patent 6,081,296) do not disclose that replacement data is sent to the communication device when the timer detects a predetermined time. Suzuki discloses that the data file or application program file preset to be started by the timer is automatically downloaded, and therefore the necessary data file and application program file are already downloaded at the time when the user actually starts the terminal device 200 (col 16, lines 22-26). Nagata et al and Fukunaga et al and Suzuki are analogous art because they are from the similar problem solving area of data transmission of replacement data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Suzuki to the combination of Nagata et al and Fukunaga et al in order to schedule the download of data at a convenient time. The motivation for doing so would be to execute a task at some future time.

With respect to claims 6 and 8, Nagata disclose the central station 9 has its own NCU 91 for executing facsimile functions and a control unit 92 in which information on various models of facsimile machines and apparatus control programs for individual models are stored and managed in connection with individual facsimile numbers (col 5, lines 45-50), which reads on wherein the second device includes a transmission unit that transmits replacement data to at least one of the at least one communication device via the communication network;

the apparatus control program or the program renew utility received from the central station 9 is first stored in the RAM circuit 4 before they are written into the EEPROM (col 9, lines 13-16), which reads on each of the at least one communication

device includes a storage unit capable of storing the first set of data, a reception unit that receives said replacement data, and an overwriting unit that writes the replacement data over the first set of data.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al (US Patent 5,787,288) in view of Suzuki (US Patent 6,493,743), and further in view of Hatamura (US Patent 5,414,528). Nagata et al and Suzuki et al do not disclose expressly a communication system wherein the replacement data includes at least one of one-touch and quick dial telephone numbers. Hatamura discloses an EEPROM 24 is used so that a user can easily register and alter the names and telephone numbers of the reception and transmitting sides while assigning these informations to one-touch dials (col 4, lines 61-65). Nagata et al, Suzuki et al and Hatamura are analogous art because they are from the similar problem solving area of facsimile file management over a network. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Hatamura to the combined feature of Nagata et al and Suzuki et al in order to obtain the feature of replacing fast-dial data. The motivation for doing so would be to be able to update dialing data of the communications devices.

14. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al (US Patent 6,377,664) in view of Suzuki (US Patent 6,493,743). Gerszberg et al disclose a communications network where the ISD 22 may connect with one or more of a variety of devices including analog and digital telephones 15, 18; digital videophones 130, devices for monitoring home security, meter reading devices

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(not shown), utilities devices/energy management facilities (not shown), facsimile devices 16 (col 4, lines 30-35), which reads on a communication system including a client computer, a local area network, and a plurality of facsimile machines connected to the client computer over the local area network;

the ISD 22 and/or any of the CPE 10 devices may also be programmed to store information representing users' preferences and/or the received uni-cast or multicast information in memory or other storage media (col 6, lines 4-8), which reads on a communication system wherein at least two of the plurality of facsimile machines store at least either quick-dial telephone numbers or operating programs;

the ISD 22 may be compatible with multicast broadcast services where multicast information is broadcast by a central location (col 5, lines 61-63), which reads on the client computer simultaneously transmits replacement data to said two or more of the plurality of facsimile machines over the Local Area Network.

Gerszberg et al do not disclose expressly the communication system wherein the client computer is provided with a timer that detects time, and the replacement data is sent to the facsimile machines when the timer detects a predetermined time. Suzuki discloses that the data file or application program file preset to be started by the timer is automatically downloaded, and therefore the necessary data file and application program file are already downloaded at the time when the user actually starts the terminal device 200 (col 16, lines 22-26). Gerszberg et al and Suzuki are analogous art because they are from the similar problem solving area of data transmission. At the time of the invention, it would have been obvious to a person of ordinary skill in the art

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to add the feature of Suzuki to Gerszberg et al in order to obtain schedule the download of data. The motivation for doing so would be to execute some task at some future time.

With respect to claim 10, Gerszberg et al do not disclose expressly the communication system wherein the client computer is provided with a timer that detects time, and the replacement data is sent to the facsimile machines when the timer detects a predetermined time. Suzuki discloses that the data file or application program file preset to be started by the timer is automatically downloaded, and therefore the necessary data file and application program file are already downloaded at the time when the user actually starts the terminal device 200 (col 16, lines 22-26). Gerszberg et al and Suzuki are analogous art because they are from the similar problem solving area of data transmission. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Suzuki to Gerszberg et al in order to schedule the download of data. The motivation for doing so would be to execute some task at some future time.

15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al (US Patent 6,377,664) in view of Suzuki (US Patent 6,493,743) as applied to claim 9 above, and further in view of Ogura et al (US Patent 5,991,197). The combination of Gerszberg et al and Suzuki does not disclose expressly the communication system wherein the client computer transmits a data overwriting instruction to said facsimile machines, and said facsimile machines reply to the client

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computer indicating whether or not they are capable of overwriting the data. Ogura et al teaches a control circuit 4 includes a mode determination circuit 4a for receiving an externally applied command via a data input/output pin terminal (I/O), when chip enable signal /CE is active, for determining the specified operation mode, a decoder 4b activated in response to a write/erase designating signal from mode determination circuit 4a to receive external control signals /RP, /WP and /XP and determining the status thereof for providing a signal indicating the determination result, a protect control circuit 4c activated under control of mode determination circuit 4a, and receiving a protect status designating signal and a block address from decoder 4b to determine a protect state (lock state) for an addressed memory block, and a program/erasure control circuit 4d activated in response to a write/erasure designating signal from mode determination circuit 4a for controlling the programming and erasing operation according to a rewrite inhibition/permission designating signal output from protect control circuit 4c indicating whether writing and erasing is inhibited or not (col 9, lines 26-44). Gerszberg et al combined with Suzuki and Ogura et al are analogous art because they are from the similar problem solving area of data transmission. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Ogura et al to the combination of Gerszberg et al and Suzuki in order for connected devices to communicate the possible execution of a task command. The motivation for doing so would be to know the status of a task.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

**Any response to this action should be mailed to:**

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(703) 872-9314 (for Technology Center 2600 only).

**Hand-delivered** responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA      Sixth Floor (Receptionist).

TJL



*KA Williams*  
**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**